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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,545	03/29/2004	Gabriel Ohiochioya Obadan		8523

7590 10/03/2007
GABRIEL OHICHIOYA OBADAN
677 DEL MONTE STREET
PASADENA, CA 91103

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3694

MAIL DATE	DELIVERY MODE
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10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,545

Applicant(s)

OBADAN, GABRIEL OHIOCHIOYA

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 15-17 are presented for examination.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-3 (the set of claims submitted on September 17, 2004) have been renumbered as claims 15-17, respectively.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15-17 are generally narrative and indefinite, failing to conform with current U.S. practice.

Method claim 15 recites a preamble with no claim body. Method claims are defined by positively recited, functional steps. The recitation that the method "allows

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users to electronically withdraw money...and have the equivalent amount withdrawn sent to their E-mail addresses and downloaded and printed...and use the currencies to purchase goods and services” does not clarify whether such functionality is positively required by the scope of the invention. The method should expressly recite how the users are allowed to electronically withdraw money. Also, the term “allow” only refers to a mere capability and does not actively require that allowed functionality be performed.

Claim 15 recites that a withdrawn amount of money is sent to the users’ E-mail addresses and downloaded and printed. How can money be e-mailed? Instead, is an electronic representation of the amount withdrawn sent to E-mail, downloaded, and printed? Currently, this claim language is awkward.

System (i.e., apparatus) claim 16 recites a preamble with no claim body. An apparatus claim is defined by its structural elements and corresponding functionality. Without a clearly delineated claim body, it is difficult to ascertain which structural elements form the system. Without any structural elements integrated with the system as a whole, corresponding functionality would not serve to patentably define or distinguish a claimed system over the prior art.

Claim 16 defines the system as a system that “does not involve moving money from country to country but rather a separate individual account is maintained in each country of the world...” Negative limitations are proper as long as they imply positive metes and bounds. In the instant case, clearly defined metes and bounds cannot be interpreted from this negative limitation.

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Regarding claim 16, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 16 recites that money is sent to an E-mail address, downloaded, and printed. How can money be e-mailed? Instead, is an electronic representation of the value of the money sent to E-mail, downloaded, and printed? Currently, this claim language is awkward.

Method claim 17 recites a preamble with no claim body. Method claims are defined by positively recited, functional steps. The recitation that the method "*allows* a user to electronically send money...through his or her E-mail address and download and print the currencies" does not clarify whether such functionality is positively required by the scope of the invention. The method should expressly recite how the users are allowed to electronically send money. Also, the term "allow" only refers to a mere capability and does not actively require that allowed functionality be performed.

Claim 17 recites that money is sent to an E-mail address, downloaded, and printed. How can money be e-mailed? Instead, is an electronic representation of the value of the money sent to E-mail, downloaded, and printed? Currently, this claim language is awkward.

In claims 15-17, the scope of "Bank Cash' currencies" is not clearly defined. Does this refer to any object of value that can be traded for goods?

Appropriate correction is required.

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5. Because claims 15-17 are so indefinite, no art rejection is warranted as substantial guesswork would be involved in determining the scope and content of these claims. See *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962); *Ex parte Brummer*, 12 USPQ 2d, 1653, 1655 (BdPatApp&Int 1989); and also *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). Prior art pertinent to the disclosed invention is nevertheless cited and applicants are reminded they must consider all cited art under Rule 111(c) when amending the claims to conform with 35 U.S.C. 112.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith (U.S. Patent No. 4,812,986) – Discloses an apparatus for dispensing money orders.

Hammond (U.S. Patent No. 5,119,293) – Discloses a system and method that prints and dispenses negotiable instruments.

Zhao (U.S. Patent No. 6,487,301) – Discloses an invention that prints digital cash as digital paper cash.

Lee (US 2002/0032605 A1) – Discloses a system and method for providing a selectable gift certificate. In one embodiment, the electronic gift certificate is e-mailed to an intended recipient and the recipient can request a paper gift certificate of his/her choosing.

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Van Dusen (U.S. Patent No. 6,175,823) – Discloses an electronic gift certificate system that e-mails a gift certificate to a recipient.

Rau et al. (US 2001/0007099 A1) – Discloses an award system that e-mails an award code to an intended recipient.

Lee (U.S. Patent No. 6,748,367) – Discloses a system and method for transmitting e-cash.

7. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

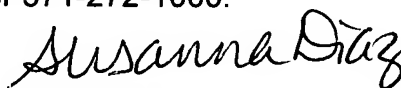
A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
Art Unit 3694

September 28, 2007